

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
|
OAKLAND DIVISION

UNITED STATES OF AMERICA,

V.B.

GLENN DERWIN UPSHAW AND TIARA
RAMONA MAYS,

Defendants

Case No.: 14-CR-00208 YGR

TRIAL SETTING ORDER

GLENN DERWIN UPSHAW AND TIARA
RAMONA MAYS,

Defendants

The Superseding Indictment filed on May 14, 2014 charges: Count One against defendant Upshaw for a violation of Title 18 U.S.C. § 922(g)(1) for which the defendant has lodged an application for permission to enter a plea of guilty; Count Two against both defendants for false statement in acquisition of a firearm and ammunition under Title 18 U.S.C. § 922(a)(6); and Count Three against defendant Mays for unlawful disposition of a firearm and ammunition under Title 18 U.S.C. § 922(d).

On August 21, 2014, the Court held a status conference with all parties and counsel present. Having considered the record in this action, the arguments of all parties, and, for good cause shown, the Court hereby sets the trial date and **ORDERS AS FOLLOWS:**

1. **Trial Date and Schedule:** The trial of this matter is scheduled for to begin on January 26, 2015 at 8:30 a.m. in Courtroom 1 of the above-referenced Court. Trial is estimated to last five (5) court days. Trial schedule will be generally as follows, Monday through Friday, from 8:30 a.m. to 1:30 p.m. with two fifteen minute breaks. Additional time may be scheduled for matters outside the presence of the jury as necessary and determined by

1 the Court. Side bars are not permitted. Counsel should be prepared to anticipate issues so
2 that they may be addressed outside of normal trial hours.

3 **2. Pre-Trial Conference:**

4 a. A pre-trial conference shall be held on Friday, January 9, 2015 at 9:30 a.m.
5 b. The parties shall comply with Local Rule 17.1-1(b) and the Court's Standing Order
6 in Criminal Cases and shall meet and confer re the same no later than December
7 12, 2014. The parties shall file the pretrial conference statement addressing all
8 fifteen (15) issues identified therein and all related filings by no later than
9 December 19, 2014.

10 **3. Motions in Limine and Pretrial Filings:**

11 a. The parties shall meet and confer and attempt to agree on a pretrial schedule for
12 motions and pretrial filings. The parties shall file a joint statement regarding the
13 same. A compliance hearing regarding the parties' joint statement shall be held on
14 Friday, September 12, 2014 on the Court's 9:01 a.m. calendar, in the Federal
15 Courthouse, 1301 Clay Street, Oakland, California, Courtroom 1.

16 Five (5) business days prior to the date of the compliance hearing, the parties
17 shall file either: (a) a joint statement regarding motion filing dates; or (b) a one-
18 page JOINT STATEMENT setting forth an explanation for their failure to comply. If
19 compliance is complete, the parties need not appear and the compliance hearing
20 will be taken off calendar.

21 b. With respect to motions in limine and the parties' discussion regarding a pretrial
22 schedule for motions, the parties are hereby advised that they are required to serve,
23 **but not file**, all motions in limine in the first instance. The parties shall serve, **but**

not file, any oppositions thereto by a date certain. The parties shall then meet and confer to resolve the motions. Any motions not resolved shall then be filed with a reply by a date certain and the Court will set a hearing date. The parties shall submit a JOINT CHAMBERS set including both the motion and the respective opposition. The proponent of the motion shall also submit a COMPREHENSIVE proposed form of order summarizing each motion and the requested relief.

c. Court hereby orders that witnesses shall be excluded until testimony is completed. Parties are ordered to admonish witnesses of the Court's rulings. Failure to comply with a ruling by the Court may result in sanctions, including without limitation the striking of the witness's entire testimony.

4. Exhibits and Exhibit Lists:

No witness may be shown any document or other object until it has been marked for identification using an exhibit number. The jury may not be shown any exhibits until admitted into evidence or stipulated by the parties as to admissibility without the express permission of the Court.

To the extent agreed upon, the parties shall file Exhibit Lists identifying those for which a stipulation of admissibility exists with an “S” in the appropriate box. When printing and providing these documents to the Court, please use the “portrait” orientation only. (Do not use “landscape” orientation.) A sample format is provided below:

Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objection	Date Admitted

1
2 Physical evidence must also be pre-marked. For purposes of the Court's binder of anticipated exhibits
3 referenced in paragraph 2 above, a picture of the exhibit should be taken and placed in the binder.

4 Parties are advised to review their exhibits critically and determine whether sub-designations
5 are appropriate for both the record and rulings on any potential objections. For instance, if an exhibit
6 consists of a series of pictures, rather than designate the exhibit collectively as Exhibit 1, each picture
7 should have a designation, *i.e.* Exhibit 1-A, 1-B, 1-C, 1-D, 1-E and 1-F.

8
9 5. **Equipment:** Computers, projectors, screens and similar equipment must be tested in
10 the courtroom prior to the day when it will be used. Arrangements may be made with the Courtroom
11 Deputy, Frances Stone, at (510) 637-3540 as to appropriate time for doing so. Marshals require court
12 order to allow equipment. Any party needing such an order must file a request and proposed order.

13
14 6. **Failure to Comply:** Failure to comply with the obligations set forth in this order will
15 result in sanctions appropriate to the gravity of the failure.

16
17 **IT IS SO ORDERED.**

18 Date: August 22, 2014


19 HON. YVONNE GONZALEZ ROGERS
20 UNITED STATES DISTRICT JUDGE